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Chairman: Mr. Mitsopoulos (Vice-Chairman) ..... (Greece)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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06-66400 (E)

In the absence of Mr. Yousfi (Algeria), Mr. Mitsopoulos (Greece), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 129: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/61/522, A/61/586, A/61/591 and A/61/633)

Agenda item 130: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/61/522, A/61/585, A/61/591 and A/61/633)

1. **Ms. Van Buerle** (Director, Programme Planning and Budget Division), introducing the first performance report of the International Criminal Tribunal for Rwanda for the biennium 2006-2007 (A/61/586), said that the additional requirement of $7.8 million net described in the report reflected changes in exchange rates, inflation and standard salary costs. The General Assembly was therefore requested to approve a revised appropriation for 2006-2007 in the amount of $277,127,700 gross ($254,757,400 net) for the Special Account for the International Criminal Tribunal for Rwanda. Any additional requirements arising from action taken by the General Assembly on the proposals contained in document A/61/554 would be reflected in the revised appropriation for 2006-2007 for the Special Account for the International Criminal Tribunal for Rwanda.

2. Turning to the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2006-2007 (A/61/585), she said that, owing to changes in exchange rates (as a result of the weakening of the United States dollar vis-à-vis the euro), inflation and standard salary costs, the report reflected an additional requirement of $18.8 million net. Accordingly, the General Assembly was requested to approve a revised appropriation for 2006-2007 in the amount of $326,573,900 gross ($297,146,300 net) for the Special Account for the International Tribunal for the Former Yugoslavia.

3. The Secretary-General's report on financial and any other implications resulting from the introduction of a staff retention bonus at the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (A/61/522) had been submitted in response to General Assembly resolutions 60/241 and 60/243. In an effort to determine the financial implications of the proposed retention bonus, both Tribunals had carried out a comparative analysis of the costs applicable under the status quo and the costs associated with the payment of a bonus. The cost components of that analysis were described in paragraphs 12 to 20 of the report, and tables 1 and 2 provided cost-benefit analyses of the two options under consideration.

4. Since disbursements in respect of the retention bonus would be effected towards the end of the completion strategies, mainly in 2009 and 2010, the related requirements would be reflected in the context of the proposed budgets for the years from 2008 to 2010, taking into consideration the number of posts that would be proposed for abolition in those years. Accordingly, the establishment of the bonus would not entail any financial implications for 2006-2007. The General Assembly was requested to approve the establishment of a retention bonus for staff of the Tribunals, with effect from 1 January 2007.

5. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related reports of the Advisory Committee (A/61/591 and A/61/633), said that the Advisory Committee was recommending approval of revised appropriations of $326,573,900 and $277,127,700 gross for the Special Account for the International Tribunal for the Former Yugoslavia and the Special Account for the International Criminal Tribunal for Rwanda, respectively. Upon enquiry, the Advisory Committee had been informed that implementation of the relevant recommendations of the Board of Auditors was ongoing. It trusted that progress in that regard would be reported in the context of the next budget submissions for the Tribunals.

6. With respect to the retention bonus, the Secretary-General's current proposal did not provide the details needed to precisely determine the financial implications of such a measure. In addition, the

proposal was too broad and might lead to the creation of a new entitlement. Accordingly, and with a view to achieving the desired objective, the Secretary-General should further explore ways and means of applying the existing Staff Regulations and Rules, including annex III thereto (which dealt with termination indemnities), and should submit a report to the Assembly no later than the time of the next budget submissions for the Tribunals.

7. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, acknowledged the difficulties currently faced by the two Tribunals and expressed appreciation for the efforts undertaken to ensure the successful completion of their mandates. She was disappointed that the relevant reports of the Advisory Committee had been issued at the last minute but, in a spirit of cooperation, she would make a few general comments.

8. The performance reports for the two Tribunals identified adjustments necessitated by variations in inflation and exchange rates and adjustments to standard salary costs and common staff costs. The Group supported those adjustments, since they were clearly justified in the relevant reports and endorsed by the Advisory Committee. It also welcomed the progress made in implementing the recommendations of the Board of Auditors, which should be described in future reports.

9. The successful completion of the mandates of both Tribunals was largely dependent on Member States' compliance with their financial obligations, and she therefore urged all States to pay their assessed contributions on time and in full. In the context of the completion strategies, the Tribunals must also be proactive in the implementation of their capacity-building programmes to ensure the smooth transfer of trials to national jurisdictions.

10. Referring to the Secretary-General's report on the financial implications of a staff retention bonus, she said that the Group of 77 and China remained concerned about the high vacancy and staff turnover rates at the Tribunals and about the impact of that situation on their ability to complete their mandates. In that connection, the Secretariat should provide further information on the potential effect of the Advisory Committee's recommendation and should also indicate the timelines for the submission of the additional information requested by the latter.

11. **Ms. Pehrman** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Iceland, Liechtenstein, Moldova and Ukraine, reaffirmed her strong support for the Tribunals, which were not only vital to ensure that those guilty of the most serious violations of international humanitarian law were brought to justice, but also played an important role in post-conflict reconstruction and peacebuilding. However, the need for efficient and effective management should not be overlooked. While the European Union welcomed the progress made in that regard, the Tribunals must continue to maximize their efforts to rationalize their operations and increase their efficiency in order to keep to the timetables set out in their respective completion strategies. In that connection, updates on the Tribunals' efforts to address some of the issues highlighted by the General Assembly at its sixtieth session should have been included in the performance reports. The European Union also encouraged the Tribunals to implement the recommendations of the Board of Auditors in a timely manner.

12. High staff turnover rates and the departure of key personnel had a direct impact on the Tribunals' ability to carry out their mandates effectively. While the efforts already undertaken by both Tribunals in that regard had resulted in a significant improvement in turnover rates, much remained to be done. The European Union took note of the Secretary-General's renewed proposal for a staff retention bonus, but shared the concerns expressed by the Advisory Committee in paragraphs 6 and 7 of its report. There was little alternative but to ask the Secretary-General to draft a revised proposal. In view of the time constraints facing the Committee, such a proposal should be submitted as early as possible in 2007.

13. In closing, she recalled that unpaid assessments to the budgets of the Tribunals currently stood at $55 million. That situation was unacceptable, and she therefore urged all Member States to pay their contributions in full and on time.

14. **Mr. Shalita** (Rwanda) stressed the importance of the capacity-building programmes of the International Criminal Tribunal for Rwanda, which would ensure the smooth transfer of trials to Rwandan jurisdiction. It

was time for Rwanda to assume full national ownership of the process of administering justice for the crimes committed during the genocide. He looked forward to an update on that issue in the context of the forthcoming budget submission.

15. With regard to the retention bonus, Member States must consider appropriate measures to ensure that the Tribunals' work did not lose momentum as their staff sought employment elsewhere. Failure to successfully implement the completion strategies would result in additional costs for the Organization. Accordingly, the additional information requested by the Advisory Committee should be submitted expeditiously, so that the Committee could continue its consideration of the issue at the earliest opportunity.

16. **Ms. Kaji** (Japan) said that the proposal for a staff retention bonus was worth considering only if the Tribunals were on schedule with the implementation of their completion strategies. In that connection, she supported the Advisory Committee's request for additional information. The Japanese delegation was sceptical about the introduction of such a bonus, and its endorsement of the relevant reports in no way prejudged the outcome of the relevant deliberations.

The meeting rose at 10.45 a.m.